



DEADWOOD: THE RESEARCH GUIDE

Indian Law • Legal History • Interlibrary Loan

HBO's popular dramatic series *Deadwood* depicts the transition from mining camp to town in the Dakota Territory Black Hills, circa 1877. Though the series is a work of fiction, its creators have rooted it in American history, including legal history.

How do you research the law of the Dakotas? What legal themes are explored in *Deadwood*? This guide will answer those questions as it highlights the variety of resources available at the Charlotte School of Law Library.

I. Territorial South Dakota Law Resources

[Northwestern Reporter](#)

Location: Compact Shelving, KF 135 .N7 N62

Territorial cases were reprinted in the *Northwestern Reporter* and can be located using the digest to that series. Alternatively, cases from the [Dakota Territory Supreme Court](#) can be ordered via Interlibrary Loan (ILL).¹ In the future, territorial documents may be available via the [LLMC Digital](#) database.

[Prestatehood Legal Materials](#) / Michael Chiorazzi, Marguerite Most

Location: Reference, KF 240 .P688 2005

This two volume set provides detailed bibliographies and historical legal essays for all 50 states. The amount of coverage varies by state, but each entry includes both primary and secondary sources. South Dakota's entry alone covers nearly 100 pages.²

[South Dakota Legal Research Guide](#) / Delores A. Jorgenson

Location: Reference, KFS 3075 .J67 1999

In addition to explaining current legal research methods, this book also contains historical information about territorial legal issues. For example, there are sections on the Supreme Court of the Dakota territory, the history of the territorial government, and Indian law. Each section also includes a bibliography. Items not found in the CharlotteLaw collection can be ordered via ILL.

II. Legal Themes of *Deadwood*

Law in the "Wild West"

¹ ILL is scheduled to be available in the Fall 2007 semester.

² Many of the resources listed in this guide were found via this set.



HeinOnline is an excellent resource for finding electronic copies of journal articles that are not in the physical collection of the library. Articles on Hein are reproduced in the original print format in PDF files. See [Finding Journal and Law Review Articles](#) for more information.

Robert Aitken, *Wild Bill Hickok: The Two Trials of Jack McCall*, 25 *Litigation* 51 (1999)

Location: HeinOnline: Charlottelaw.org → Law Library → Library Databases → Hein Online → Law Journal Library

Not only is the shooting of Wild Bill Hickok a major plot point in the first season of *Deadwood*, it is also an interesting footnote in the history of the [double jeopardy](#) doctrine. Aitken's article discusses the both the events of the shooting and the criminal procedure involved in the two subsequent trials.

Nicci Lovre-Laughlin, Note, *Lethal Decisions: Examining the Role of Prosecutorial Discretion in Capital Cases in South Dakota and the Federal Justice System*, 50 *S. Dakota L. Rev.* 550 (2005)

Consolidation of Mining and Unionization

Andrew P. Morriss, *Miners, Vigilantes & Cattlemen: Overcoming Free Rider Problems in the Private Provision of Law*, 33 *Land & Water L. Rev.* 581 (1999)

Location: HeinOnline: Charlottelaw.org → Law Library → Library Databases → Hein Online → Law Journal Library

Morriss' article uses the example of the Black Hills miner camps to explore issues of customary law. In addition, the article provides extensive footnotes to treatises on Western mining in the 19th century.

Native Americans and the West

Treatises and Study Guides

[American Indian Law in a Nutshell 4d](#) / William C. Canby Jr.

Location: Reserve, KF 8205 .Z9 C36 2004

Nutshells are a useful quick introduction to unfamiliar legal topics. *American Indian Law* provides a historical background as well as insight on contemporary American Indian issues.

[Cohen's Handbook of Federal Indian Law](#) 69-84 (Nell J. Newton et al. eds., 2005)

Location: Compact Shelving, KF 8205 .C6 2005

Cohen's Handbook on Federal Indian Law is recognized as one of the definitive works of scholarship on Native American issues. The first chapter contains a historical policy overview that provides important background to the issues of *Deadwood*.



The 1942 edition of this title is available via HeinOnline's Legal Classics Library. Pages are available in full text pdf format and an electronic table of contents is provided to allow quicker browsing.

Statutes at Large

The Statutes at Large set contains acts of Congresses organized in chronological order. Pre-1950 treaties are published in the Statutes at Large.

Fort Laramie Treaty of 1868, 15 Stat. 635 (1868)

Location: Westlaw: US-PL, Lexis: PUBLAW, HeinOnline: Charlottelaw.org → Law Library → Library Databases → Hein Online → U.S. Statutes at Large

The Fort Laramie Treaty of 1868 established Native American ownership of the Black Hills. The treaty is also available at:

[PBS: New Perspectives on the West](#)

[Yale Law School's Avalon Project](#)

Act of February 28, 1877, 19 Stat. 254 (1877)

Location: US-PL, Lexis: PUBLAW, HeinOnline: Charlottelaw.org → Law Library → Library Databases → Hein Online → U.S. Statutes at Large

A major plot point in *Deadwood* is the annexation of the Black Hills Indian reservation following the discovery of gold. This act negated the earlier treaty.

Web Sites

[Indian Law Resource Center](#)

Non-profit law and advocacy organization established and directed by American Indians. Contains a collection of articles, papers, documents and other materials related to the Center's work and mission.

[Bureau of Indian Affairs](#)

Official web site of the government agency responsible for managing the 55.7 million acres of land held in trust by the United States for its 561 recognized tribal governments. Links to lots of other useful government and tribal sites.

[National Indian Law Library](#)



CHARLOTTE SCHOOL *of* LAW

Part of the Native American Trust Fund, this library has developed a unique collection of federal Indian and tribal law resources. The web site has a searchable catalog and lists of resources organized by topic.

[Native American Law Resources](#)

This web site, maintained by Washburn University in Kansas, links to primary and secondary materials, directories, tribal codes and constitutions, and other research guides, all pertaining to Indian law. The site also links to the University of Oklahoma's [Native American Law Project](#).

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06/07